

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LAUREE JANKOWSKI,

Plaintiff,

vs.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Defendant.

**4:23CV3169**

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. On October 13, 2023, the Court entered a Memorandum and Order directing Plaintiff to either file a request for leave to proceed in forma pauperis or pay the Court's \$402.00 filing and administrative fees because she had been released from custody. [Filing No. 7](#). After the Court's Memorandum and Order was entered, the Court received and docketed Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP"), [Filing No. 8](#), which the Court granted also on October 13, 2023. [Filing No. 9](#). However, upon closer review of Plaintiff's IFP Motion, Plaintiff completed her motion while she was still incarcerated and includes financial information relevant to her incarcerated status.

As the Court stated previously, because Plaintiff is no longer incarcerated, she cannot rely on an IFP affidavit filed when she was incarcerated. Accordingly, the Court will vacate its previous Memorandum and Order, [Filing No. 9](#), granting Plaintiff's motion to proceed IFP, [Filing No. 8](#), completed while she was incarcerated. Plaintiff must now file a new application for leave to proceed IFP based on her current financial information relevant to her nonprisoner status if she wishes to pursue this case in forma pauperis. Plaintiff may, in the alternative, pay the Court's \$402.00 filing and administrative fees.

IT IS THEREFORE ORDERED that:

1. The Court's previous Memorandum and Order, [Filing No. 9](#), granting Plaintiff leave to proceed IFP is vacated.
2. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 8](#), is denied without prejudice to reassertion of an IFP motion that reflects Plaintiff's current financial information relevant to her nonprisoner status.
3. **Plaintiff must either file a request for leave to proceed in forma pauperis or pay the Court's \$402.00 filing and administrative fees within 30 days. Failure to take either action will result in dismissal of this matter without further notice to Plaintiff.**
4. The Clerk of the Court is directed to send to Plaintiff the Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."
5. The Clerk of the Court is directed to set a pro se case management deadline with the following text: **November 16, 2023**: deadline for Plaintiff to file IFP application or pay filing fee.

Dated this 17th day of October, 2023.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Judge